# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/645,691 | 08/21/2003 | Arben Kryeziu | 1780.004US1 | 9290 |

21186          7590          12/14/2007
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|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 4115 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/14/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *21 August 2003*.
2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *21August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *24 August 2005*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 8,11-14** are rejected under 35 U.S.C. 102(e) as being anticipated by

Knudson et al. (United States Patent 6,526,577).

Regarding **claim 8**, Knudson discloses an enhanced interactive program guide.

In addition, Knudson discloses a computer-readable storage medium storing

instructions that, when executed on equipment included in an interactive television

program guide system that is configured to read and execute the instructions, cause the

interactive television program guide system to perform a method for providing users of

the interactive television program guide system with opportunities to preview programs,

the method comprising: displaying a video window in a portion of a display screen,

wherein the video window contains television related video; providing a user with an

opportunity to purchase a program associated with the television related video, which

reads on claimed "media player logic; media content; and media configuration

information", as disclosed in claim 19. Also, Knudson discloses that the program guide

may provide the user with the opportunity to purchase the previewed video by selecting,

for example, an on screen "buy" option (1625). In addition, Knudson further discloses a

video window (1611), which reads on claimed "wherein when the media stream data

structure is received by a computing device, the media player logic automatically installs

itself on the computing device, executes, and configures a media stream interface using

the media configuration information, wherein the media stream interface includes a

purchasing system interface for purchasing the media content and a media playing

interface for playing the media content, as disclosed in column 13 lines 18-24 and

further exhibited in Figure 16.

Regarding **claim 11**, Knudson discloses everything as claimed above (see claim

8). In addition, Knudson discloses that the screening room display screen may contain,

for example, a preview video clip (1611) of a video (e.g., a pay-per-view program) from

a video library stored, for example, at main facility (12) or at program guide distribution

facility (16), which reads on claimed "wherein the media stream interface interacts with

the media player logic to communicate purchasing interactions made through the

purchasing system interface to at least one of a remote service, a licensor, an owner,

and a vendor of the media content", as disclosed in column 12 lines 58-65.

Regarding **claim 12**, Knudson discloses everything as claimed above (see claim

8). In addition, Knudson discloses that the user may have personal computer PC (231)

on which a program guide client or web browser is implemented. Personal computer

(231) may be connected to Internet service system (235) via Internet link (233). Internet

service system (233) may use any suitable combination of computer hardware and

software capable of providing an on-line program guide server application or web site,

which reads on claimed "wherein the media stream interface is a browser interface accessible over a network", as disclosed in column 7 lines 5-11.

Regarding **claim 13**, Knudson discloses everything as claimed above (see claim 12). In addition, Knudson discloses that the user may have personal computer PC (231) on which a program guide client or web browser is implemented. Personal computer (231) may be connected to Internet service system (235) via Internet link (233). Internet service system (233) may use any suitable combination of computer hardware and software capable of providing an on-line program guide server application or web site, which reads on claimed "wherein the media stream interface is a browser interface accessible over a network", as disclosed in column 7 lines 5-11, which reads on claimed "wherein the browser interface includes one or more World-Wide Web browser pages and the network is the internet", as disclosed in column 7 lines 5-11.

Regarding **claim 14**, Knudson discloses everything as claimed above (see claim 8). In addition, Knudson discloses that the interactive television program guide of the present invention may be provided in systems in which program guide data is distributed from a main facility to an interactive television program guide implemented on user television equipment, via a television distribution facility. Knudson further discloses the user television equipment (22) of FIG. 3 receives video or a digital video stream and data from program guide distribution facility (16) (FIG. 1) at input 26.which reads on claimed "wherein the media stream data structure is packaged by an external service and streamed to a requesting recipient over a network", as disclosed in column 2 lines 56-60 and column 7 lines 12-15.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claim 1,2** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Knudson in view of Lazar et al. (United States Patent 6,477,508) and in further view of

Palazzo et al. (United States Patent Application Publication 2003/0115601), herein

referenced as Knudson, Lazar, and Palazzo respectively.

Regarding **claim 1**, Knudson discloses that the program guide may provide the

user with the opportunity to purchase the previewed video by selecting, for example, an

on screen "buy" option (1625). In addition, Knudson discloses a video window (1611),

which one of ordinary skill in the art would recognize the video window along with the

other data and features associated with the guide are sent from the head-end and are

thereby loaded and executed without the need for user installation.  In addition,

Knudson further discloses an interactive television program guide system that is

configured to read and execute the instructions, cause the interactive television program

guide system to perform a method for providing users of the interactive television

program guide system with opportunities to preview programs, the method comprising:

displaying a video window in a portion of a display screen, wherein the video window

contains television related video; providing a user with an opportunity to purchase a

program associated with the television related video , which therefore reads on claimed

"packaging the media stream with a self-loading and sled executing media player and

with configuration information for presenting the purchasing system interface with the

media stream", as disclosed in column 13 lines 18-24, claim 19 and further exhibited in

Figure 16.  Knudson goes on disclose that the user television equipment (22) of FIG. 3

receives video or a digital video stream and data from program guide distribution facility

16 (FIG. 1) at input (26), which reads on claimed "streaming the media stream to a

recipient", as disclosed in column 7 lines 12-15.  However, Knudson fails to disclose

"selecting a purchasing system interface for use with a media stream; and monitoring

usage of the media stream and purchasing system interface", however the examiner

maintains that it was well known in the art to provide selecting a purchasing system

interface for use with a media stream; and monitoring usage of the media stream and

purchasing system interface, as taught by Palazzo and Lazar respectively.

In a similar field of endeavor, Palazzo discloses a system and method for

providing access to EPG features from within broadcast advertisements.  In addition,

Palazzo discloses that the presentation software uses these data (206) as parameters

to purchase and tune the program being promoted, as well as assist in driving the

interactive functionality of the EPG within the broadcast advertisement.  In addition,

Palazzo discloses that through the menu interface provided by the menu software (118),

a user is able to customize features of the operating system (114) and presentation

software (116), as well as other software components resident on the set top terminal

(102), which reads on claimed "selecting a purchasing system interface for use with a media stream", as disclosed in paragraph [0030] and [0033].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing selecting a purchasing system interface for use with a media stream, as taught by Palazzo for the purpose of allowing the user to customize their interface.

In a similar field of endeavor, Lazar discloses a system and apparatus for broadcasting, capturing, storing, selecting and the forwarding selected product data and viewer choices to vendor host computers.  In addition, Lazar discloses a point-of-purchase device that could report viewer channel selections and product selections would represent a significant advance in the broadcast marketing art, and would provide a very valuable tool for advertisers and marketers, which reads on claimed "monitoring usage of the media stream and purchasing system interface", as disclosed in column 3 lines 50-60.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing monitoring usage of the media stream and purchasing system interface, as taught by Lazar for the purpose of having targeting advertisements based on customer feedback.

Regarding **claim 2**, Knudson in view of Palazzo and in further view of Lazar disclose everything as claimed above (see claim 1). In addition, Knudson discloses that the program guide may provide the user with the opportunity to purchase the previewed video by selecting, for example, an on screen "buy" option (1625), which reads on

claimed "playing a portion of the media stream on a computing device of the recipient by

using the media player, wherein the media content included within the media stream is

simultaneously presented on a display with the purchasing system interface and the

purchasing system interface can be independently interacted with via the display", as

disclosed in column 13 lines 18-24 and further exhibited in Figure 16.


   **Claims 3-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Knudson in view of Wiser et al. (United States Patent 6,385,596), herein referenced as

Wiser.

   Regarding **claim 3**, Knudson discloses everything as claimed above (see claim

2).  In addition, Knudson discloses a "buy" option (1625) and "purchase summary" and a

preview window (1611).  In addition, one of ordinary skill in the art would recognize that

the purchase or buy request is sent from the users' terminal to be received by the cable

or satellite TV provider indicating that the user wishes to purchase the pay-per-view

event, which therefore reads on claimed "receiving purchasing selections from the

recipient accessing a number of options from the purchasing system interface while

viewing portions of the media content", as exhibited in Figure 16.  However, Knudson

fails to disclose "using the media player for tracking any purchase that occurs for the

media content", however the examiner maintains that it was well known in the art to

provide using the media player for tracking any purchase that occurs for the media

content, as taught by Wiser.

In a similar field of endeavor, Wiser discloses a secure online music distribution system. In addition, Wiser discloses that the delivery phase of the transaction then takes place between the media player and the delivery server, with validation of the transaction provided by the content manager. The media player creates a message authentication of the receipt and voucher ID from the media voucher and the consumer's certificate from the passport. This step binds the specific transaction to the purchase, which reads on claimed "using the media player for tracking any purchase that occurs for the media content", as disclosed in column 5 lines 1-15.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing using the media player for tracking any purchase that occurs for the media content, as taught by Wiser for the purpose of ensuring that all media content being played by the media player is valid and authentic.

Regarding **claim 4**, Knudson in view of Wiser disclose everything as claimed above (see claim 3). However, Knudson fails to disclose "wherein receiving purchasing selections further includes notifying or recording the purchase for purposes of paying a commission or establishing a budget", however the examiner maintains that it was well known in the art to provide wherein receiving purchasing selections further includes notifying or recording the purchase for purposes of paying a commission or establishing a budget, as taught by Wiser.

Regarding receiving purchasing selections further includes notifying or recording the purchase for purposes of paying a commission or establishing a budget, Wiser

discloses that the media player creates a message authentication of the receipt and

voucher ID from the media voucher and the consumer's certificate from the passport.

Wiser further discloses that the media voucher uniquely identifies the media being

purchased, the specific purchase transaction, and the specific delivery server to deliver

the purchased media to the media player, which therefore reads on claimed "receiving

purchasing selections further includes notifying or recording the purchase for purposes

of paying a commission or establishing a budget", as disclosed in column 5 lines 1-15

and column 4 lines 51-58.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Knudson by specifically providing receiving

purchasing selections further includes notifying or recording the purchase for purposes

of paying a commission or establishing a budget, as taught by Wiser for the purpose of

ensuring a valid transaction.

Regarding **claim 5**, Knudson in view of Wiser disclose everything as claimed

above (see claim 4). In addition, Knudson discloses that the program guide may

provide the user with the opportunity to purchase the previewed video by selecting, for

example, an on screen "buy" option (1625). In addition, Knudson further discloses the

screening room display screen may contain, for example, a preview video clip 1611 of a

video (e.g., a pay-per-view program) from a video library stored, for example, at main

facility 12 or at program guide distribution facility 16. Alternatively, video window 1611

may display real-time streamed video such as, for example, infomercials, which reads

on claimed "presenting the media content within a first frame of a browser page; and

presenting the purchasing system interface within a second frame of the browser page",

as disclosed in column 13 lines 18-24, column 12 lines 58-65, and further exhibited in

Figure 16.


**Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson,

in view of Palazzo, in view of Lazar, and in further view of Wiser.

Regarding **claim 6**, Knudson in view of Palazzo and in further view of Lazar

disclose everything as claimed above (see claim 1). However, the combination fails to

disclose "receiving usage statistics from the media player identifying playing and

purchasing information associated with the recipient playing media content included

within the media stream and interacting with the purchasing system interface", however

the examiner maintains that it was well known in the art to provide receiving usage

statistics from the media player identifying playing and purchasing information

associated with the recipient playing media content included within the media stream

and interacting with the purchasing system interface, as taught by Wiser.

Regarding receiving usage statistics from the media player identifying playing

and purchasing information associated with the recipient playing media content included

within the media stream and interacting with the purchasing system interface, Wiser

discloses that the rights reporting process provides a tamper-proof mechanism to

securely track electronic music distribution. This process securely uploads usage

(purchases, previews and so forth) of media from the content manager (112) to various

rights agents (108). In addition, one of ordinary skill in the art would recognize the

content manager works through the media player to receive various usage information,

which therefore reads on claimed "receiving usage statistics from the media player

identifying playing and purchasing information associated with the recipient playing

media content included within the media stream and interacting with the purchasing

system interface", as disclosed in column 11 lines 49-55.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Knudson by specifically providing receiving

usage statistics from the media player identifying playing and purchasing information

associated with the recipient playing media content included within the media stream

and interacting with the purchasing system interface, as taught by wiser for the purpose

of royalty payments and other associated fees to the owners.


**Claims 9,15,17-20** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Knudson in view of Wiser.

Regarding **claim 9**, Knudson discloses everything as claimed above (see claim

8). However, Knudson fails to disclose "wherein the configuration information also

includes monitoring information used by the media player logic to track usage of the

media content", however the examiner maintains that it was well known in the art to

provide the configuration information also includes monitoring information used by the

media player logic to track usage of the media content, as taught by Wiser.

Regarding the configuration information also includes monitoring information

used by the media player logic to track usage of the media content, Wiser discloses that

the rights reporting process provides a tamper-proof mechanism to securely track electronic music distribution. This process securely uploads usage (purchases, previews and so forth) of media from the content manager (112) to various rights agents (108). In addition, one of ordinary skill in the art would recognize the content manager works through the media player to receive various usage information, which therefore reads on claimed "the configuration information also includes monitoring information used by the media player logic to track usage of the media content", as disclosed in column 11 lines 49-55.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing the configuration information also includes monitoring information used by the media player logic to track usage of the media content, as taught by Wiser for the purpose of royalty payments and other associated fees to the owners.

Regarding **claim 15**, Knudson discloses that the program guide may provide the user with the opportunity to purchase the previewed video by selecting, for example, an on screen "buy" option (1625). In addition, Knudson further discloses a video window (1611), which one of ordinary skill in the art would recognize the video window along with the other data and features associated with the guide are sent from the head-end and are thereby loaded and executed without the need for user installation, which therefore reads on claimed "a media stream data structure having a self loading and executing media player, a purchasing interface; and a display wherein the media player simultaneously presents within the display media content included within the media

stream data structure and the purchasing system interface", as disclosed in column 13

lines 18-24 and further exhibited in Figure 16. However, Knudson fails to disclose

"monitoring configuration information, and wherein the media player tracks purchases

and usage statistics associated with purchasing and playing the media content based

on monitoring configuration information", however the examiner maintains that it was

well known in the art to provide monitoring configuration information, and wherein the

media player tracks purchases and usage statistics associated with purchasing and

playing the media content based on monitoring configuration information, as taught by

Wiser.

Regarding monitoring configuration information, and wherein the media player

tracks purchases and usage statistics associated with purchasing and playing the media

content based on monitoring configuration information, Wiser discloses that the rights

reporting process provides a tamper-proof mechanism to securely track electronic

music distribution. This process securely uploads usage (purchases, previews and so

forth) of media from the content manager (112) to various rights agents (108). In

addition, one of ordinary skill in the art would recognize the content manager works

through the media player to receive various usage information. In addition, Wiser further

discloses that the administration module (1006) exports the following functions: Get

Config: This message obtains the current configuration data in the form of a

configuration file. Set Config: This message uploads a configuration file to the content

manager (112) to set the configuration, which therefore reads on claimed "monitoring

configuration information, and wherein the media player tracks purchases and usage

statistics associated with purchasing and playing the media content based on

monitoring configuration information", as disclosed in column 11 lines 49-55 and column

22 lines 34-46, respectively.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Knudson by specifically providing monitoring

configuration information, and wherein the media player tracks purchases and usage

statistics associated with purchasing and playing the media content based on

monitoring configuration information, as taught by Wiser for the purpose of royalty

payments and other associated fees to the owners.

Regarding **claim 17**, Knudson in view of Wiser disclose everything as claimed

above (see claim 15). In addition, Knudson discloses that the screening room display

screen may contain, for example, a preview video clip (1611) of a video (e.g., a pay-per-

view program) from a video library stored, for example, at main facility (12) or at

program guide distribution facility (16), which reads on claimed "wherein at least one

vendor, an owner, and a licensee packages the media stream data structure with the

purchasing system interface and the media content", as disclosed in column 12 lines

58-62.

Regarding **claim 18**, Knudson in view of Wiser disclose everything as claimed

above (see claim 15). In addition, Knudson discloses an illustrative arrangement for

user television equipment (22) is shown in FIG. 3. User television equipment (22) of

FIG. 3 receives video or a digital video stream and data from program guide distribution

facility 16 (FIG. 1) at input (26), which reads on claimed "the media stream data

structure is streamed from a remote service to a requesting recipient's computing

device that is interfaced to the display, as disclosed in column 7 lines 12-15.

Regarding **claim 19**, Knudson in view of Wiser disclose everything as claimed

above (see claim 15). However, Knudson fails to disclose "the media player captures

interactions made with the purchasing system interface and reports these interactions

back to at least one of a remote service, a vendor, an owner, and a licensee of the

media content", however the examiner maintains that it was well known in the art to

provide a media player that captures interactions made with the purchasing system

interface and reports these interactions back to at least one of a remote service, a

vendor, an owner, and a licensee of the media content, as taught by Wiser.

Regarding the media player captures interactions made with the purchasing

system interface and reports these interactions back to at least one of a remote service,

a vendor, an owner, and a licensee of the media content, Wiser discloses the rights

reporting process provides a tamper-proof mechanism to securely track electronic

music distribution. This process securely uploads usage (purchases, previews and so

forth) of media from the content manager (112) to various rights agents (108). In

addition, Wiser discloses that the content manager (112) communicates with the HTTP

Server (112), which reads on claimed "the media player captures interactions made with

the purchasing system interface and reports these interactions back to at least one of a

remote service, a vendor, an owner, and a licensee of the media content", as disclosed

in column 11 lines 49-53 and further exhibited in Figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing the media player captures interactions made with the purchasing system interface and reports these interactions back to at least one of a remote service, a vendor, an owner, and a licensee of the media content, as taught by Wiser for the purpose of royalty payments and other associated fees to the owners.

Regarding **claim 20**, Knudson in view of wiser disclose everything as claimed above (see claim 15). However, Knudson fails to disclose "wherein the media player or a remote service periodically assembles the purchasing and usage statistics into an electronic report and sends the report to at least one of a vendor, an owner, and a licensee of the media content", however the examiner maintains that it was well known in the art to provide the media player or a remote service periodically assembles the purchasing and usage statistics into an electronic report and sends the report to at least one of a vendor, an owner, and a licensee of the media content, as taught by Wiser.

Regarding wherein the media player or a remote service periodically assembles the purchasing and usage statistics into an electronic report and sends the report to at least one of a vendor, an owner, and a licensee of the media content, Wiser discloses that the media licensing center (110) provides for generating rights reports of the usage of media data files, and for communicating such rights reports to the rights agents (108). Knudson further discloses that after the merchant server (132) has authorized a purchase, it logs this information to an internal purchase database. Purchase logging has two purposes. First, it enables the merchant to keep track of what media has been

sold, and second, allows the merchant to accurately report to a rights agent (108) for copyright notification and billing purposes. Two logs are preferably used: a merchant log and an audit log. The merchant log is plaintext, where as the audit log is stored encrypted. The audit log is uploaded periodically to the media licensing center (110), which reads on claimed "wherein the media player or a remote service periodically assembles the purchasing and usage statistics into an electronic report and sends the report to at least one of a vendor, an owner, and a licensee of the media content", as disclosed in column 10 lines 45-47 and column 18 lines 23-32, respectively.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing wherein the media player or a remote service periodically assembles the purchasing and usage statistics into an electronic report and sends the report to at least one of a vendor, an owner, and a licensee of the media content, as taught by Wiser for the purpose of allowing the merchant to track which media has been sold.


**Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Palazzo, in view of Lazar and further in view Siann et al. (United States Patent Application Publication 2003/0120541), herein referenced as Siann.

Regarding **claim 7**, Knudson in view of Palazzo and in further view of Lazar disclose everything as claimed above (see claim 1). However, the combination fails to disclose "including customized advertisement information with the media stream",

however the examiner maintains that it was well known in the art to provide including

customized advertisement information with the media stream, as taught by Siann.

In a similar field of endeavor, Siann discloses a storage and delivery of electronic

media content with advertising. In addition, Siann discloses that the present invention

relates to the storage and delivery of electronic media content and advertising content

by way of multiple methods of transmission to a media player. One embodiment of the

present invention comprises a device, system and method for offering and distributing

copyrighted media content with targeted, replenishable advertisements in a secure

transmission environment by way of two methods of transmission wherein the copyright

holder is compensated based upon advertising generated revenues, which reads on

claimed "including customized advertisement information with the media stream",

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Knudson by specifically providing including

customized advertisement information with the media stream, as taught by Siann for the

purpose of providing the consumer with more relevant advertisements that suit their

preferences.

**Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Knudson in view of Siann.

Regarding **claim 10**, Knudson discloses everything as claimed above (see claim

8). However, Knudson fails to disclose "wherein the configuration information also

includes advertisement information that is used by the media player logic to present and

make accessible a variety of customized advertisements", however the examiner

maintains that it was well known in the art to provide the configuration information also includes advertisement information that is used by the media player logic to present and make accessible a variety of customized advertisements, as taught by Siann.

Regarding the configuration information also includes advertisement information that is used by the media player logic to present and make accessible a variety of customized advertisements, Siann discloses that the present invention relates to the storage and delivery of electronic media content and advertising content by way of multiple methods of transmission to a media player. One embodiment of the present invention comprises a device, system and method for offering and distributing copyrighted media content with targeted, replenishable advertisements in a secure transmission environment by way of two methods of transmission wherein the copyright holder is compensated based upon advertising generated revenues, which reads on claimed "the configuration information also includes advertisement information that is used by the media player logic to present and make accessible a variety of customized advertisements", as disclosed in paragraph [0009].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing the configuration information also includes advertisement information that is used by the media player logic to present and make accessible a variety of customized advertisements, as taught by Siann for the purpose of providing the consumer with more relevant advertisements that suit their preferences.

   **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Knudson in view of Wiser and in further view of Siann.

   Regarding **claim 16**, Knudson in view of wiser disclose everything as claimed

above (see claim 15).  However, Knudson fails to disclose "wherein the configuration

information includes advertisement information that the media player uses to also

simultaneously present within the display a variety of customized advertisements",

however the examiner maintains that it was well known in the art to provide the

configuration information includes advertisement information that the media player uses

to also simultaneously present within the display a variety of customized

advertisements, as taught by Siann.

   Regarding the configuration information includes advertisement information that

the media player uses to also simultaneously present within the display a variety of

customized advertisements, Wiser discloses an embodiment of the present invention

comprises a media player that electronically provides electronic media content and

advertising content comprising: an electronic media content storage device, wherein the

electronic media content storage device receives and stores electronic media content;

an electronic advertising content storage device, wherein the electronic advertising

content storage device receives and stores advertising content; an output component

that outputs the electronic media content and advertising content to a user.  In addition,

one of ordinary skill in the art would recognize that it would be obvious that the media

player would have configuration information for the advertisement so that media player

can properly play and store the advertisement along with the other media content, which

therefore reads on claimed "the configuration information includes advertisement

information that the media player uses to also simultaneously present within the display

a variety of customized advertisements", as disclosed in paragraph [0011].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Knudson by specifically providing Regarding the

configuration information includes advertisement information that the media player uses

to also simultaneously present within the display a variety of customized

advertisements, as taught by Wiser for the purpose of providing the consumer with

more relevant advertisements while viewing media content.

### Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 1,8** are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claim 6 of U.S. Patent No. 6,938,047 in view of

Knudson, in further view of Palazzo, and in further view of Lazar.

Regarding **claim 1**, Kryeziu discloses methods, data structures, and systems for

processing media data. In addition, Kryeziu discloses a media player that is self-loading

and self-extracting on a computing device, which reads on claimed "packaging the media stream with a self loading and self executing media player", as disclosed in claim 6. However, Kryeziu fails to disclose "selecting a purchasing system interface for use with a media stream; configuration for presenting the purchasing system interface; and streaming the media stream to a recipient; and monitoring usage of the media stream and purchasing system interface", however the examiner maintains that it was well known in the art to provide selecting a purchasing system interface for use with a media stream; configuration for presenting the purchasing system interface; and monitoring usage of the media stream and purchasing system interface", as taught by Palazzo, Knudson, and Lazar, respectively.

Regarding selecting a purchasing system interface for use with a media stream, Palazzo discloses that the presentation software uses these data (206) as parameters to purchase and tune the program being promoted, as well as assist in driving the interactive functionality of the EPG within the broadcast advertisement. In addition, Palazzo discloses that through the menu interface provided by the menu software (118), a user is able to customize features of the operating system (114) and presentation software (116), as well as other software components resident on the set top terminal (102), which reads on claimed "selecting a purchasing system interface for use with a media stream", as disclosed in paragraph [0030] and [0033].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kryeziu by specifically providing selecting a

purchasing system interface for use with a media stream, as taught by Palazzo for the purpose of allowing the user to customize their interface.

Regarding configuration for presenting the purchasing system interface; and streaming the media stream to a recipient, Knudson discloses interactive television program guide system that is configured to read and execute the instructions, cause the interactive television program guide system to perform a method for providing users of the interactive television program guide system with opportunities to preview programs, the method comprising: displaying a video window in a portion of a display screen, wherein the video window contains television related video; providing a user with an opportunity to purchase a program associated with the television related video, which reads on claimed "configuration for presenting the purchasing system interface", as disclosed in claim 19. In addition, Knudson goes on disclose that the user television equipment (22) of FIG. 3 receives video or a digital video stream and data from program guide distribution facility 16 (FIG. 1) at input (26), which reads on claimed "streaming the media stream to a recipient", as disclosed in column 7 lines 12-15.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kryeziu by specifically providing configuration for presenting the purchasing system interface, as taught by Knudson for the purpose of providing the user with a purchasing interface in which to buy pay-per view media.

Regarding monitoring usage of the media stream and purchasing system interface, Lazar discloses a point-of-purchase device that could report viewer channel selections and product selections would represent a significant advance in the

broadcast marketing art, and would provide a very valuable tool for advertisers and marketers, which reads on claimed "monitoring usage of the media stream and purchasing system interface", as disclosed in column 3 lines 50-60.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kryeziu by specifically providing monitoring usage of the media stream and purchasing system interface, as taught by Lazar for the purpose of having targeting advertisements based on customer feedback.

Regarding **claim 8**, Kryeziu discloses a media player that is self-loading and self-extracting on a computing device, which reads on claimed "media player logic automatically installs itself on the computing device, executes", as disclosed in claim 6. However, Kryeziu fails to disclose "media player logic, media content; and media configuration information; wherein when the media stream data structure is received by a computing device; and configures a media stream interface using the media configuration information, wherein the media stream interface includes a purchasing system interface for purchasing the media content and a media playing interface for playing the media content", however the examiner maintains that it was well known in the art to provide media player logic, media content; and media configuration information; wherein when the media stream data structure is received by a computing device; and configures a media stream interface using the media configuration information, wherein the media stream interface includes a purchasing system interface for purchasing the media content and a media playing interface for playing the media content, as taught by Knudson.

Regarding media player logic, media content; and media configuration information; wherein when the media stream data structure is received by a computing device; and configures a media stream interface using the media configuration information, wherein the media stream interface includes a purchasing system interface for purchasing the media content and a media playing interface for playing the media content, Knudson discloses a computer-readable storage medium storing instructions that, when executed on equipment included in an interactive television program guide system that is configured to read and execute the instructions, cause the interactive television program guide system to perform a method for providing users of the interactive television program guide system with opportunities to preview programs, the method comprising: displaying a video window in a portion of a display screen, wherein the video window contains television related video; providing a user with an opportunity to purchase a program associated with the television related video, which reads on claimed "media player logic; media content; and media configuration information", as disclosed in claim 19. Also, Knudson discloses that the program guide may provide the user with the opportunity to purchase the previewed video by selecting, for example, an on screen "buy" option (1625). In addition, Knudson further discloses a video window (1611), which reads on claimed "wherein when the media stream data structure is received by a computing device; and configures a media stream interface using the media configuration information, wherein the media stream interface includes a purchasing system interface for purchasing the media content and a media playing

interface for playing the media content", as disclosed in column 13 lines 18-24 and

further exhibited in Figure 16.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Kryeziu by specifically providing media player

logic, media content; and media configuration information; wherein when the media

stream data structure is received by a computing device; and configures a media

stream interface using the media configuration information, wherein the media stream

interface includes a purchasing system interface for purchasing the media content and a

media playing interface for playing the media content, as taught by Knudson for the

purpose of allowing the user to preview and purchase pay-per view media.

**Claim 15** is rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claim 6 of U.S. Patent No. 6,938,047 in view of

Knudson and in further view of Wiser.

Regarding **claim 15**, Kryeziu discloses a media player that is self-loading and

self-extracting on a computing device, which reads on claimed "media stream data

structure having a self loading and executing media player", as disclosed in claim 6.

However, Kryeziu fails to disclose "a purchasing interface; and a display wherein the

media player simultaneously presents within the display media content included within

the media stream data structure and the purchasing system interface; monitoring

configuration information, and wherein the media player tracks purchases and usage

statistics associated with purchasing and playing the media content based on

monitoring configuration information", however the examiner maintains that it was well

known in the art to provide a purchasing interface; and a display wherein the media player simultaneously presents within the display media content included within the media stream data structure and the purchasing system interface; monitoring configuration information, and wherein the media player tracks purchases and usage statistics associated with purchasing and playing the media content based on monitoring configuration information", as taught by Knudson and Wiser, respectively.

Regarding a purchasing interface; and a display wherein the media player simultaneously presents within the display media content included within the media stream data structure and the purchasing system interface, Knudson discloses that the program guide may provide the user with the opportunity to purchase the previewed video by selecting, for example, an on screen "buy" option (1625). In addition, Knudson further discloses a video window (1611), which reads on claimed "a purchasing interface; and a display wherein the media player simultaneously presents within the display media content included within the media stream data structure and the purchasing system interface", as disclosed in column 13 lines 18-24 and further exhibited in Figure 16.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kryeziu by specifically providing a purchasing interface; and a display wherein the media player simultaneously presents within the display media content included within the media stream data structure and the purchasing system interface, as taught by Knudson for the purpose of allowing the user to preview and purchase pay-per view media.

Regarding monitoring configuration information, and wherein the media player tracks purchases and usage statistics associated with purchasing and playing the media content based on monitoring configuration information, Wiser discloses that the rights reporting process provides a tamper-proof mechanism to securely track electronic music distribution. This process securely uploads usage (purchases, previews and so forth) of media from the content manager (112) to various rights agents (108). In addition, one of ordinary skill in the art would recognize the content manager works through the media player to receive various usage information. In addition, Wiser further discloses that the administration module (1006) exports the following functions: Get Config: This message obtains the current configuration data in the form of a configuration file. Set Config: This message uploads a configuration file to the content manager (112) to set the configuration, which therefore reads on claimed "monitoring configuration information, and wherein the media player tracks purchases and usage statistics associated with purchasing and playing the media content based on monitoring configuration information", as disclosed column 11 lines 49-55 and column 22 lines 34-46, respectively.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson by specifically providing monitoring configuration information, and wherein the media player tracks purchases and usage statistics associated with purchasing and playing the media content based on monitoring configuration information, as taught by Wiser for the purpose of royalty payments and other associated fees to the owners.

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alexander Q. Huerta whose telephone number is 571-

270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-

5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta
Examiner
Art Unit 4115

November 1, 2007
/Jefferey F Harold/
Supervisory Patent Examiner, Art Unit 4115